ENGLISH POOR-LAW REFORM

It is now nearly two years since the reports of the Royal Commission on the Poor Laws and the Relief of Distress were given to the public. The recommendations of the commission were awaited with eager interest in this country as well as in England, and the reports have been carefully studied and widely quoted by American students of economic and social conditions. It is not necessary at this late day to undertake an account of the work of the commission, but a review of the progress which has been made toward poor-law reform since the issue of the reports may be of interest.

It should perhaps be recalled that in February, 1909, the commission gave to the public not one but two reports: (1) a majority report signed by the chairman, Lord George Hamilton, and thirteen other members, including the several representatives of the local Government Board, Professor William Smart, and the well-known Charity Organizationists, Miss Octavia Hill, Mrs. Bosanquet, and Mr. C. S. Loch; (2) a minority report signed by the remaining four members of the commission, Rev. H. Russell Wakefield, now the dean of Norwich, Mr. Francis Chandler, a well-known Trade Unionist, Mr. George Lansbury, a Progressive member of the London County Council, and Mrs. Sidney Webb, who is understood to have done the actual writing of the report.[1]

It may be well also to recall that the reports of the majority and minority were both considered revolutionary, and that they agreed alike in condemning the present system and in recommending the abolition of the boards of guardians, of the "union" as the administrative unit, and of the present mixed work-house.

[1] The dean of Norwich, in a public address to the Bradford Guild of Help, November 23, 1909, referring to a statement that the minority report had "a witchery of literary style about it," said, by way of comment, "The witchery in the case is that of Mrs. Sidney Webb, because whilst I made, I frankly admit, a large number of suggestions . . . . the perfect writing was not from me." He also added, "To be fair to the majority report it must be remembered that it was written by a great many people. . . . ."

Although both reports agreed in this sweeping condemnation of the old system, a sharp line of disagreement appeared in regard to the method of reform. The majority proposed to substitute for the present boards of guardians, a system of new *ad hoc* authorities half of whose members were to be members of the local County Council or County Borough Council, and the other half, "persons experienced in the local administration of public assistance or other cognate work." These new statutory committees, which were to be called "Public Assistance Authorities," were therefore not to be, as are the present Boards of Guardians, directly elected for that purpose. Opposing these "majority" plans for reform, the minority urged with sweeping vigor the complete "break-up of the Poor Law," and instead of the creation of a new *ad hoc* authority for the relief of destitution, they proposed that the functions of the old Boards of Guardians should be divided among various committees of the county councils.[2]

To an outsider, it seemed that neither majority nor minority could expect to carry all of its particular scheme, but with so thorough an agreement regarding the abuses of the present system, it did not seem too much to hope that a common policy of compromise might be adopted. The months that have elapsed, however, have shown the futility of this hope. Those interested in the cause of poor-law reform have withdrawn into bitterly opposing camps, each emphasizing all the points in disagreement and failing to seize the opportunity to impress upon the public mind that much of what could be done in the way of reform would be acceptable to both.

The controversy which has been provoked by the publication of the reports has resulted in the formation of three fairly

[2] That is, the transfer of the responsibility for the care of the various classes of persons now relieved by the Board of Guardians to the authorities which the minority describe as "dealing with the *causes* of destitution—the children to the local educational authority, the sick and infirm to the local health authority, the feeble minded and mentally defective to the local lunacy authority, and the pensionable aged to the local pension authority. These four authorities already exist, as Committees of County and County Borough Councils. For all varieties of the able-bodied and unemployed, a new national authority is recommended."

well-defined propagandist organizations, each with a policy of its own. The first in order of formation is that representing the views of the minority. Mr. and Mrs. Sidney Webb, by virtue of Mrs. Webb's work as a member of the commission, claimed the right of reissuing the minority report through their own publishers, and also of circulating a cheap reprint through the agency of the Fabian Society. They were not content, however, with merely placing their report within easy reach of the public. They were determined to make people read it, talk about it, understand it, and believe in it, so that when the time was ripe for legislation "minority" views should prevail. With this object in view they formed a committee which at once began an active proselyting campaign. This organization was originally called the "National Committee to Promote the Break-up of the Poor Law,"[3] but a shrewd observer pointed out that the conservative British habit of mind is instinctively opposed to "breaking things up," and the promoters of the new organization were quick to see an advantage in adopting a name which would suggest a new constructive policy rather than the destruction of an ancient institution. The name of the new organization was therefore changed, and, as the "National Committee for the Prevention of Destitution," it has succeeded in enrolling more than 25,000 members. In February of last year a bill embodying the recommendations of the minority report was introduced into the House of Commons,[4] and although the bill failed to pass, its

[3] *The Crusade,* a monthly journal, and other publications of this committee, including pamphlets by Mrs. Webb, Sir John Gorst, the dean of Norwich, and others, may be obtained from the committee's London headquarters, 37 Norfolk St., Strand, London.

[4] "A Bill to Provide for the Effectual Prevention of Destitution, and the Better Organization of Public Assistance" is the description given in the memorandum which accompanies it. The bill is divided into four parts: The first part contains general provisions, together with the establishment of a new department under a minister for labor. The second part provides for the abolition of the boards of guardians, and the transfer of all provision of public assistance for the non-able-bodied (whether children, the sick and infirm, the aged, or the mentally defective) to the County, or County Borough Council, with suitable arrangements for the City of London, and the metropolitan borough councils of the more populous places. The third part describes the powers and duties of the minister for labor, and provides for the abolition of distress committees,

introduction is an evidence of the fact that the campaign carried on by the national committee is one which has a practical object in view.

It was inevitable that the campaign of the minority should provoke a definite response from the majority, and this response took shape in the formation of another new society called the National Poor-Law Reform Association. As the name implies, its object is the reform of existing poor-law administration, but the members, instead of being pledged to every proposal of the majority report, only profess to be "in agreement with its general spirit and trend." In a formal speech to the members of this new organization on the occasion of their first meeting, Lord George Hamilton, the chairman of the Royal Commission, discussed the meaning of the minority report.[5] It was, he said, with great regret that he and his colleagues found themselves forced to form the new organization, for they had hoped that after the publication of two reports the public,

> in accordance with invariable practice, would have been allowed without prejudice or predilection to form their own opinions upon the respective merits of the two sets of proposals. But the authors of the minority report had thought otherwise, and from the day that Mr. and Mrs. Sidney Webb claimed the copyright of the minority report, an energetic and ubiquitous agitation, aided by all the socialist organizations in the country, was set in motion to advertise and exploit the proposals of the minority and to belittle the reforms advocated by the majority.

It was pointed out that, in view of the serious condition in certain parts of the country, any proposals which were likely to effect a lasting improvement would be welcomed from whatever body they came and that the genesis of reform was of little moment, "provided the reform be efficient and suitable." It was, however, claimed that the new society for the break-up of the Poor Law was a distinct political organization formed

and the transfer of all matters affecting unemployment and the regulation of the hours and conditions of labor to the department of the minister for labor. The fourth part applies the bill to Scotland.

[5] *What the Minority Report Means,* and other publications of the association, including pamphlets by Mr. C. S. Loch, Mrs. Bosanquet, and others, may be obtained from the secretary of the National Poor-Law Reform Association, 5 Adam Street, Adelphi, London, W.C.

for the special purpose of "promoting very advanced, if not revolutionary changes in society," and that, if the public once became convinced that the reform of the Poor Law was only a question between the adoption of the minority report and a continuance of the present system, a large number of persons would prefer to have things in their existing state rather than "embark in so hazardous, so uncontrollable, and so costly an adventure." The purpose of the opposing society was to make more widely known the fact that there was another scheme supported by high official and administrative authorities, which would accomplish all that the minority scheme proposed and would at the same time "wage war against destitution and misery, not by encouraging all comers to be dependent upon the state, but by promoting independence, mutual aid, and co-operation."

It was pointed out by an intelligent critic soon after the findings of the commission were given to the public that the wholesale condemnation of the present system and particularly of present methods of administration, which is to be found in both minority and majority reports, would be sure to cause much heart burning. Serious opposition from the Boards of Guardians was to be expected and one of the early manifestations of their resentment has been the formation of a third society, the National Committee for Poor-Law Reform, which proposes a *via tertia* called by its promoters the "policy of reform instead of revolution." The case for the guardians is presented in the small volume, *Poor Law Reform via tertia,* by Sir William Chance,[6] who is known as an able and experienced poor-law administrator. In this volume, the principles and proposals of the minority report are bitterly opposed because of their socialistic tendencies, and it is claimed that "if the recommendations of the report are carried out the socialistic state will have come into being." On the other hand, although the majority report is commended, and although Sir William Chance and the members of his organization believe that reforms in poor-law admin-

[6] *Poor Law Reform via tertia:* The Case for the Guardians; by Sir William Chance. London: P. S. King & Son, 1910. 8vo, pp. 95.

istration are urgently needed, they are convinced that the poor-law system requires reform only in its administration, not in its principles. They believe that the administrative change proposed by the "majority" commissioners, i.e., a clean sweep of the Boards of Guardians and the creation of new *ad hoc* authorities, is far too radical a change and that the County Councils cannot successfully undertake the new duties which "the majority" wish to hand over to them. The *via media* of Miss Octava Hill is commended as a desirable substitute for the majority plan, and the following extract from her memorandum is quoted as embodying the views of those intelligent "guardians of the poor" who urge a plan more conservative than that proposed in either report. Miss Hill's memorandum claims that a statutory committee of the County Council is open to the following objections: "(1) It tends to the municipalization of the Poor Law; (2) it is comparatively untried machinery; (3) it is at best composed mainly of those elected for other duties and already over-weighted with work."

A source of much confusion in the present situation is the partisan and at times acrimonious spirit which prevails in both majority and minority camps—an unwillingness to be just to the other side, which cannot fail to react unfavorably upon the cause of reform. This seeming inability to make a fair presentation of the case is well illustrated in the new volume by Mr. and Mrs. Sidney Webb entitled *English Poor Law Policy*.[7] The theory upon which Mr. and Mrs Webb have built for so long, that "nothing of today can really be understood without its history," has placed many students under a lasting obligation to them. But this new volume, which purports to be a historical one tracing the changes in English poor-law policy since 1834 and attempting to summarize its present status, must be a disappointment to those who have learned to respect the fine spirit of scientific investigation which has brought such illuminating contributions to the history of English local government and social conditions.

[7] *English Poor Law Policy*, by Sidney and Beatrice Webb. London: Longmans, Green & Co., 1910. 8vo, pp. xii+379.

Only four of the eight chapters of *English Poor Law Policy* are really historical. The latter half of the book deals with present-day questions and is directly concerned with the agitation for reform which is in progress. There are chapters dealing with the "Principles of 1907," the majority report, the minority report, and, finally, a summary and conclusion. It is the earlier chapters for which the book is chiefly valuable. A great deal of documentary material, official records of all sorts, statutes, orders, circulars, and minutes, were carefully examined under the direction of Mr. and Mrs. Webb, and the analysis of this material constitutes an interesting addition to the poor-law history of the nineteenth century. The application of the so-called principles of 1834, "national uniformity," "less eligibility," and the "workhouse system," is carefully followed. It is pointed out that there was no drastic application of these principles even in the period of the poor-law commissioners.[8] For example, although the commissioners strove incessantly to insist upon the principle of

> making the condition of the able-bodied pauper less eligible than that of the lowest class of independent laborer, by 1847 they had given up attempting to secure this less eligible state by giving less food, inferior clothing, worse accommodation, or shorter hours of sleep than those enjoyed by

[8] Very interesting is the reason suggested for the early neglect of the recommendation of the commission of 1834 with regard to the institutional accommodation of paupers. "Instead of a series of separate institutions appropriately organized and equipped for the several classes of the pauper population, the aged and infirm, the children and adult, able-bodied, the central authority had got established in nearly every union, one general work-house; nearly everywhere the same cheap, homely building, with one common régime, under one management, for all classes of paupers." The justification for the policy was the confident expectation, in 1838, that the use of the work-house was only to serve as a "test" which the applicants would not pass and that there was accordingly no need to regard the work-house as a continuing home. Harriet Martineau in her *Poor Law Tales* shows "the complete success of an absolutely inflexible offer of 'the house' to every applicant without exception; the result being an entirely depauperized parish, and the overseer turning the key in the door of an absolutely empty work-house." It is not until nearly a quarter of a century after 1834 that it became recognized that the work-house was not merely a "test of destitution for the able-bodied which they were not expected to endure, but the continuing home of large classes of helpless and not otherwise than innocent persons." For this very interesting discussion of the work-houses see chap. ii, sec. K, and chap. iii, sec. J.

the average laborer. The commissioners were [then] attempting to secure this less eligible state by monotonous toil, lack of all recreation, a total absence of any mental stimulus, and, where possible, by confinement within the work-house walls.

It is, however, in the later rather than in earlier chapters that Mr. and Mrs. Webb are disappointing. In the brief chapter on "The Principles of 1907," we find the climax of the argument. The practical abandonment of the old principles is described[9] and certain new principles which the authors profess to have discovered are discussed. These so-called "new principles" are (1) the "Principle of Curative Treatment," (2) the "Principle of Universal Provision," a term used to describe the provision by the state of particular services for all who will accept them, such as vaccination, sanitation, education, and the like, and (3) the "Principle of Compulsion" which, while not altogether new, is said to be new in the scope of its application.

The case which Mr. and Mrs. Webb make out for these new principles is, unfortunately, not a very strong one, and has perhaps justly subjected them to some very searching criticisms.[10]

[9] It is pointed out that (1) the principle of national uniformity, i.e., of identity of treatment for each class of destitute persons from one end of the kingdom to the other for the purpose of reducing the "perpetual shifting from parish to parish," is in practice abandoned with the single exception of the vagrant or wayfaring class; (2) the principle of less eligibility which is often regarded as the root principle of the reforms of 1834 has also been abandoned with regard to all classes except able-bodied men and their dependents. It is pointed out that the central authority has *de facto* abandoned the principle of less eligibility. It prescribes merely a policy of "adequacy" of maintenance according to the actual requirements of each case viewed from the standpoint of modern physiology, irrespective of whether the maintenance is at home or in an institution. This, it is clear, is much above the standard attained by the lowest grade of independent laborer. With regard to wayfarers and vagrants, the application of the principle goes farther than was originally contemplated and "even this 'less eligible' relief is accompanied by compulsory detention and an act of hard labor of monotonous and disagreeable character"; (3) the principle known as the Work-house System—the "offer of the House," or the complete substitution of indoor for outdoor relief—is the policy of the central authority now for wayfarers and vagrants only. Alternative methods of relief have been devised and are preferred for other classes.

[10] See, for example, Mrs. Bosanquet's somewhat personal attack on this chapter in an article in the *Economic Journal*, June, 1910.

Increasing emphasis is undoubtedly being laid on curative treatment, but it is surely going very far to relate to the Poor Law the provision of such services as education and vaccination, and the "principle of compulsion" is in the same field only an unrealized hope. Their discussion of the contrast between 1834 and 1907 is, however, interesting and suggestive. In general it is said that in contrast to the 1834 principles, which assumed the "non-responsibility of the community for anything beyond keeping the destitute applicant alive," the principles of today "embody the doctrine of a mutual obligation between the individual and the community. The universal maintenance of a definite minimum of civilized life becomes the joint responsibility of an indissoluble partnership." It should be added, too, that they find it necessary to point out that these new principles of 1907, which they believe they have discovered in modern poor-law policy, have been unconsciously adopted and would probably not be recognized by the officials who are supposed to be fostering them. "There is, in fact, today, a sort of 'No-man's Land' in Poor-Law administration, in which the principles of 1834 have been *de facto* abandoned, without the principles of 1907 being consciously substituted. Owing to this lack of central direction" they find "diversity without deliberation, indulgence without cure, and relief without discipline."

The remaining portion of the book is an *ex parte* document supporting the proposals of the minority report. An attempt is made to show "the mutual incompatibility" of the reforms proposed by the majority. The minority cannot believe that the majority have really advanced beyond the principles of 1834 so long as they still wish to see a general destitution authority maintained. On the other hand, it is claimed that the minority report "carries the so-called 'principles of 1907' to their logical conclusion and at the same time discovers to us the unifying principle on which they have been unconsciously based, and by which alone their possible costliness can be limited and justified."

The essential unfairness of this volume and in fact of the whole "minority" campaign lies in the assumption that the minority have a complete monopoly of the plea for the prevention of destitution, whereas any fair-minded reader must see that

the value of preventive policies is everywhere emphasized by the majority and that practical proposals of preventive measures loom large in the majority report. It is, to say the least, an unfair tactical advantage for the minority to urge and exploit the "principle of prevention" as if it were all their own. So far as the administrative plans of the minority are concerned, it is clear that we have in their report some ingenious proposals for a great bureaucracy such as the Fabian heart of Mr. Sidney Webb has long desired. But the unique value of the minority report is its discussion of the evils of the present system in a literary style so engaging and illuminating as to awaken the most indifferent reader. It is a matter of regret that such distinguished scholars as Mr. and Mrs. Sidney Webb should produce so partisan a treatise as this volume on *Poor Law Policy*. We look in vain for some evidence of an honest desire to do justice to the report of the majority of the commissioners and to consider soberly the relative merits of the majority as compared with the minority plan. There is, for example, in one of the appendices, a lengthy reprint from the minority report for Scotland. The unbiased reader would have been gratified if the writers had added here Lord George Hamilton's admirable memorandum which also forms part of the Scottish report and contains "the last word" of the majority.

If, however, the distinguished advocates of the minority report have been disappointing in the partisan character of their campaign, the same charge may be laid at the door of some of the well-known adherents of the majority plan. A widely circulated volume on *The Poor Law Report of 1909*[11] by Mrs. Bosanquet was published shortly after the reports were issued and before the minority had begun their party tactics. From Mrs. Bosanquet as from Mr. and Mrs. Webb one has a right to expect a fair presentation of the case, for she has been much respected in this country not only as a charity organizationist

[11] *The Poor Law Report of 1909*, a Summary Explaining the Defects of the Present System and the Principal Recommendations of the Commission, so far as Relates to England and Wales, by Helen Bosanquet. London: Macmillan, 1909. 8vo, pp. vi+272.

but as a lucid writer on social questions. But her volume not only omits all discussion of the minority report, but even fails to list it in the bibliography of the reports which is given in an appendix. One may, in short, read Mrs. Bosanquet's account of *The Poor Law Report of 1909* and not know that a remarkable minority report was ever issued. However great her desire may have been to ignore the troublesome minority, it was hardly playing a fair game with the unsuspecting reader to keep him so wholly in the dark.

But if the majority and minority advocates have fallen under the blight of a partisan spell so completely that they have been unable to give a trustworthy account of the work of their great commission, that has been excellently done for them by an outsider. In a modest and admirable volume called *By What Authority*,[12] Professor Muirhead of the University of Birmingham makes a most excellent statement of "the principles in common and at issue" in the two reports. The American student, removed from the heat of controversy and still cherishing a genuine respect for some of the distinguished advocates of both reports, will heartily agree with Professor Muirhead's conclusion that the present is not a time to emphasize differences, and that there is not only a sufficiently large common ground on which to unite but there is to be found "in the apathy of the many and the active hostility of some" an urgent reason why the two groups should unite.

Another distinguished advocate of a less extreme method of reform than that proposed by either the majority or the minority commissioners is the Rt. Hon. Charles Booth. It seemed an irreparable loss when Mr. Booth was obliged because of ill health to withdraw from the commission, but what was lost then will surely be regained now if he is able to rescue the cause of reform from the troubled sea of controversy. Shortly after the publication of the reports, a critic noted that the memoranda of Dr. Downes and Miss Octavia Hill should serve as

[12] *By What Authority*, the Principles in Common and at Issue in the Reports of the Poor Law Commission, by John M. Muirhead, with an introduction by Sir Oliver Lodge; 2d ed. London: P. S. King & Son, 1909. 8vo, pp. vi+102.

timely reminders of the fact that to two of the most practical minds on the commission, vast and important reforms could be effected without the revolutionary change of area and authorities proposed in both the majority and minority reports. The alternative plan proposed by Dr. Downes as a substitute for the abolition of the present union was a policy of grouping together existing unions and obtaining larger administrative units in this way. This was, as Dr. Downes pointed out in his memorandum, originally a plan of Mr. Booth's, and he now puts it within easy reach of the public in his little book on *Poor Law Reform*.[13] This plan would seem to be a true *via media* for the reformer and it is to be hoped that, with the weight of Mr. Booth's sanction to commend it, it will stand a large chance of success.

Miss Octavia Hill's objection to the county as a unit for poor-law administration has already been quoted, and it is interesting and significant that Mr. Booth also is opposed to the "administrative concentration of duties that are essentially distinct."[14] A plan which is proposed by Mr. Charles Booth and sanctioned by so able an administrator as Dr. Downes and so experienced a guide in social reform movements as Miss Octavia Hill should certainly command respect from both of the extreme wings of the reforming forces.

In conclusion it may be said that a cause is often in grave danger when its supporters divide into partisan groups, and it is to be hoped that a moderate program will be devised upon which all the supporters of the cause of poor-law reform can agree. It will be a national calamity if the public interest

[13] *Poor Law Reform*, by Charles Booth. London: Macmillan, 1910. 8vo, pp. 92.

[14] Mr. Booth's comment on this point is well worth quoting: "That we have already gone far in the concentration of local administration does not prove that we shall do well to go farther. We may easily over-do it. Sanitary measures, public health, and police go well together, but whatever may be thought as to education, the scale seems to me to turn against the interference of the County or County Borough Councils with rate-aided employment as a cure for destitution from lack of work, and to lay upon these authorities the whole administration of the Poor Law would, I think, be unwise. . . . . In matters of sanitation, public health, police, and as regards education also in last resort, enforcement is the basis of action. What is done is in the name of the

awakened by the publication of the report is not used to help the cause and if the present favorable moment for pushing a great reform is lost in quarreling over details of administration. In the words of Professor Muirhead, "the present is a time to unite, and the worst service any group of reformers can render to the common cause of progress is to press their theoretical differences to the point of schism."

EDITH ABBOTT

CHICAGO SCHOOL OF CIVICS AND PHILANTHROPY

common good; the law insists, the public purse pays. The Poor Law, although it stands ready to assist, waits to be asked; its terms are fixed, but the applicant can still accept or refuse. Thus the action of the Poor Law is not only distinct, but for the most part fundamentally divergent in character from the other public services mentioned."